

## **REMARKS**

In the Official Action mailed on **13 September 2006**, the Examiner reviewed claims 1-26 and 28. The claims are objected to under 37 C.F.R. §1.126 because the claims are misnumbered. Claims 14-26 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1-4, 6-10, 13-17, 19-24, 26, and 28 were rejected under 35 U.S.C. §102(e) as being anticipated by Fraenkel et al (USPub 2003/0065986, hereinafter "Fraenkel"). Claims 5 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fraenkel and further in view of Harper et al (USPN 6,629,266, hereinafter "Harper"). Claims 11-12 and 24-25 were objected to as being dependent upon a rejected base claim.

### **Objections to the claims**

The claims are objected to because the claims are misnumbered.

Applicant has renumbered claim 28 as claim 27 to correctly number the claims.

### **Rejections under 35 U.S.C. §101**

Claims 14-26 were rejected because the claimed invention is directed to non-statutory subject matter.

Applicant has amended independent claim 14 to clarify that the computer-readable storage medium includes only tangible embodiments. This amendment finds support in paragraph [0025] of the instant application.

### **Rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a)**

Independent claims 1, 14, and 28 were rejected as being anticipated by Fraenkel.


Applicant has amended independent claims 1, 14, and 28 to include allowable limitations from dependent claims 11 and 24. Dependent claims 6, 9, 11, 19, 22, and 24 have been canceled without prejudice. Dependent claims 7, 10, 12, 20, 23, and 25 have been amended to correct antecedent basis. Dependent claim 18 has been amended to correct a typographical error. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 1, 14, and 28 as presently amended are in condition for allowance. Applicant also submits that claims 2-5, 7-8, 10, and 12-13, which depend upon claim 1, and claims 15-18, 20-21, 23, and 25-26, which depend upon claim 14, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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Date: 20 September 2006

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